

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:16-CR-00048-KDB-DSC-1

USA

v.

JERRY WAYNE GRANT

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ORDER

THIS MATTER is before the Court upon what can most liberally be read as a motion of the defendant *pro se* for compassionate release under 18 U.S.C. § 3582(c)(1)(A), the First Step Act of 2018, and appointment of counsel. (Doc. No. 163). Defendant presents no facts, no reasons for a reduction in sentence. His conclusory and unsupported motion will be denied without prejudice.

A defendant has no constitutional right to the appointment of counsel to file post-conviction motions. *Lawrence v. Florida*, 549 U.S. 327, 336-37 (2007) (citing *Coleman v. Thompson*, 501 U.S. 722, 756-57 (1991)); *Rouse v. Lee*, 339 F.3d 238, 250 (4th Cir. 2003), *cert. denied*, 541 U.S. 905 (2004) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555-56 (1987) (no constitutional right to counsel beyond first appeal of right)).

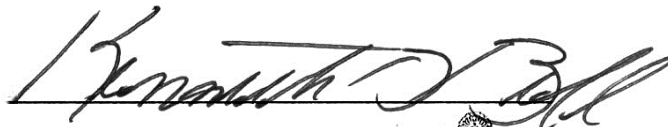
The Court may, in some circumstances, appoint counsel to represent a prisoner when the interests of justice so require, and the prisoner is financially unable to obtain representation. *See* 18 U.S.C. § 3006A(a)(2)(B). In the instant case, however, Defendant has not established that the interests of justice require the appointment of counsel. *See United States v. Riley*, 21 F. App'x 139, 141-42 (4th Cir.

2001). The Court finds that the interests of justice do not require appointment of counsel to assist the Defendant, at this time.

IT IS, THEREFORE, ORDERED, that the defendant's pro se motion for compassionate release (Doc. No. 163), is **DENIED** without prejudice to a renewed motion properly supported by evidence.

SO ORDERED.

Signed: November 15, 2023

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

